

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

*[Handwritten]*

*2/26/08*

**CLARENCE MOSS,**

**X**  
:

**ORDER**

**Petitioner,**

:

**06 Civ. 6178 (SAS) (HBP)**

**-against-**

:

**DALE ARTUS, Superintendent,**

:

**Respondent.**

**X**

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

I have reviewed the attached Report and Recommendation ("R&R") of United States Magistrate Judge Henry B. Pitman, dated January 18, 2008, which recommends that the habeas petition brought by Moss under 28 U.S.C. § 2254 be denied. Although petitioner was given the opportunity to file objections to the R&R, he failed to do so. Based on my review, I hereby adopt the thorough and thoughtful R&R in full.

In accordance with the R&R, the instant habeas petition is dismissed with prejudice. Because petitioner's failure to file objections precludes appellate review, this Court will not issue a certificate of appealability. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992) ("We have adopted the rule that failure to object timely to a report waives any further judicial review of the report."). The Clerk of the Court is directed to close

this case.

SO ORDERED:



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Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
February 26, 2008

**- Appearances -**

**Petitioner (Pro Se):**

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Dannemora, NY 12929

**For Respondent:**

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